

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**FOR OFFICE USE ONLY**

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**KRUNAL N. PATEL**

63 Freida Lane  
Colonia, NJ 07067

Plaintiff

**NEW JERSEY TRANSIT RAIL  
OPERATIONS, INC.**

One Penn Plaza East  
Newark, NJ 07105

Defendant

**CIVIL ACTION**

**NO.:**

**JURY TRIAL DEMANDED**

**COMPLAINT**

1. Plaintiff herein is Krunal N. Patel, a citizen and resident of New Jersey residing therein at 63 Freida Lane, Colonia, New Jersey 07067.

2. The defendant is a corporation duly organized and existing under and by virtue of the laws of a State of New Jersey and does business in the District of New Jersey.

3. This action arises under the Act of Congress, April 22, 1908, c. 149, 35 Stat. 65, and amendments thereto, U.S.C.A. Title 45, 51 et seq., and further amended by the Act of Congress, approved by the President of the United States on August 11, 1939, Chapter 685-First Session of the 76<sup>th</sup> Congress, known and cited as “The Federal Employers’ Liability Act.”

4. At the time and place hereinafter mentioned and for a long time prior thereto, the defendant, as a common carrier, operated trains carrying passengers, freight, express packages, baggage and foreign and domestic mail, in commerce, between the different states of the United States and its territories.

5. At the time and place hereinafter mentioned, the acts of omission and commission, causing the injuries to the plaintiff, were done by the defendant, its agents, servants, workmen

and/or employees, acting in the course and scope of their employment with and under the control of the defendant.

6. At the time and place hereinafter mentioned, the plaintiff and the defendant were engaged in interstate commerce between the different states of the United States and its territories.

7. All of the property, equipment and operations involved in the incident herein referred to were owned by and under the control of the defendant, its agents, servants, workmen and/or employees.

8. As a result of the incident herein referred to, plaintiff has suffered a loss and impairment of earnings and earning power and may suffer the same for an indefinite time in the future; has undergone great physical pain and mental anguish and may undergo the same for an indefinite time in the future; has been obliged to and will have to continue to expend large sums of money in the future in an effort to effect a cure of his aforesaid injuries; has been unable to attend to his usual duties and occupation and may be unable to attend to the same for an indefinite time in the future, all to his great detriment and loss.

9. The incident herein referred to was caused solely and exclusively by the negligence of the defendant, its agents, servants, workmen and/or employees, and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

10. In late August 2019, and for some time prior thereto, plaintiff was employed by New Jersey Transit Rail Operations, Inc. (NJTRO) as an assistant conductor.

11. Plaintiff was assigned as the rear brake on train #3806.

12. On the aforementioned date, the train was located on track #1 at the Newark Penn Station.

13. Plaintiff was located on the seventh car from the front at a high platform of the Newark Penn Station.

14. Because this was a high platform, it was necessary for the trap door to be in the lowered position so that the passengers and crew could access the platform.

15. The door mechanism has a threshold bar that retracts into and comes out of the door pocket. When the threshold bar is out of the pocket, it becomes part of the floor.

16. As part of the process of lowering the trap door, the threshold bar fully extended from the door pocket.

17. Plaintiff next assisted a passenger who had just entered the train to open the parlor door so that she could then enter the main car.

18. After assisting the passenger, plaintiff turned around and was about to step off of the train.

19. Plaintiff's foot was on the threshold bar that was part of the floor.

20. Suddenly and with no warning, the threshold bar malfunctioned and spontaneously began to retract into the wall. In doing so, part of the floor disappeared from beneath plaintiff's feet.

21. As a result of this malfunction, and the improper retraction of the threshold bar, plaintiff was caused to trip and lose his balance.

22. As this occurred, plaintiff's right foot stayed on the train as he was falling and his left foot fell in the space between the door and the platform.

23. As plaintiff fell straight down, he caught himself using both hands and arms, resulting in immediate and severe pain in his right upper extremity.



24. After a few minutes, plaintiff was able to rescue himself from that position, enter the train, and sat down until the train arrived at New York Penn Station, where he reported to his conductor the incident, malfunctioning bar, and injuries.

25. Plaintiff was transported to the emergency room of New York University Langone Health-Tisch Hospital.

26. The aforementioned accident was caused by the negligence of the defendant, its agents, servants, workmen and/or employees, and was not caused by any conduct on the part of the plaintiff.

27. The negligence of the defendant consisted of the following:

- (a) Failing to inspect the subject railcar, subject door, the subject bar, and related apparatus and mechanisms.
- (b) Failing to discover the unsafe condition of the subject railcar, subject door, the subject bar, and related apparatus and mechanisms.
- (c) Failing to properly maintain the subject railcar, subject door, the subject bar, and related apparatus and mechanisms.
- (d) Failing to properly repair the subject railcar, subject door, the subject bar, and related apparatus and mechanisms.
- (e) Requiring plaintiff to use a train and a railcar where the door, bar, and related apparatus and mechanisms were defective, inefficient, broken, and unsafe.
- (f) Violating regulations of the Federal Railroad Administration with respect to safe ingress and egress from railcars.
- (g) Failing to warn plaintiff of these dangerous conditions.

27. The defendant is also liable for its violation of the Federal Safety Appliance Act with respect to the aforementioned unsafe conditions.

28. As a result of the aforesaid incident, plaintiff sustained injury to the left upper extremity; injury to the left elbow; fractured left elbow; common flexor tendonitis to the left medial epicondylar; tendonitis involving the common extensor tendon at its lateral epicondylar; injury to the common extensor tendon; injury to the left ulnar nerve; and injuries to the muscles, nerves, and tissues of the left arm and elbow area.

Some or all of the above injuries are or may be permanent in nature. The full extent of plaintiff's injuries is not presently known.

WHEREFORE, plaintiff demands judgment against the defendant in a sum in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars.

COFFEY KAYE MYERS & OLLEY

By: /s/ Robert E. Myers  
**COFFEY KAYE MYERS & OLLEY**  
**Robert E. Myers, Esquire**  
***Attorney for Plaintiff***  
**Suite 718, Two Bala Plaza**  
**Bala Cynwyd, PA 19004**  
**(610) 668-9800 – phone**  
**(610) 667-3352 – fax**